

**REAL ESTATE BOARD
MADISON, WI
MINUTES
MARCH 27, 2003**

PRESENT: Rebecca J. Dysland, Nancy Gerrard, Richard Hinsman, Richard A. Kollmansberger, Maria E. Watts

STAFF PRESENT: Patricia Hoeft, Division Administrator of Board Services, William Black, Legal Counsel, Grace Schwingel, Recorder, Division of Enforcement staff

CALL TO ORDER

Richard Kollmansberger, Chair, called the meeting to order at 10:00 a.m. A quorum of five members was present.

AGENDA

MOTION: Richard Hinsman moved, seconded by Nancy Gerrard, to adopt the agenda as published. Motion carried unanimously.

ELECTION OF OFFICERS

MOTION: Nancy Gerrard moved, seconded by Rebecca J. Dysland, to keep Richard Kollmansberger as Chair, Richard Hinsman as Vice Chairman, and Maria Watts as Secretary. Motion carried unanimously.

2003 SCREENING PANEL APPOINTMENTS

Chairman Kollmansberger called for board members to schedule dates when they could serve as screening panel members. Richard Hinsman and Maria Watts agreed to screen cases in May, July and October. Rebecca Dysland agreed to screen cases in June and September, Richard Kollmansberger will screen cases in April, August, November and December.

APPROVAL OF DECEMBER 5, 2002 MINUTES

MOTION: Rebecca J. Dysland moved, seconded by Maria Watts, to approve the minutes of December 5, 2002 as published. Motion carried unanimously.

ADMINISTRATIVE REPORT

- **Board Roster**

The Board Roster was approved as published.

- **2003 Meeting Dates**

The 2003 meeting dates were approved as published.

- **To-Do List**

The To-Do list was reviewed.

- **Summary Reports on Pending Court Cases, Disciplinary Cases, Administrative Rules and Press Releases**

Noted

- **Update on Rainbow Auction and Realty Company, Inc.**

Noted

- **Important Notice of Exam Changes Effective 9/1/2003**

Chairman Kollmansberger wanted reassurance that everyone was notified about the change. The change seemed to be a good way to motivate the brokers to the agents they had in school. Hoeft said she would provide the board with information at their next meeting about any response that the department received regarding the change.

LEGISLATION UPDATE

No activity to report at this time.

ADMINISTRATIVE RULES UPDATE

Black reported that revisions to Chapter RL 17 are still in process. The Chairman asked about whether there was a timetable for when these revisions will be addressed. Black reported that there is no definite timetable at this time but any suggested changes would be reported to the Board for comments.

DISCUSSION RE: WHETHER INTERNET DISTRIBUTION OF PROPERTY DATA TO A CUSTOMER IS ADVERTISING; AND THE PROPOSED POLICY GOVERNING USE OF MLS DATA IN CONNECTION WITH INTERNET BROKERAGE SERVICES OFFERED BY MLS PARTICIPANTS ("VIRTUAL OFFICE WEBSITES")

Black reported that for the department to get involved in this issue, a specific problem area related to this issue needs to exist that would affect consumers in a way that regulation is necessary to address it. No clear problem seems to exist now.

Rick Staff, General Counsel for Wisconsin Realtors Association (WRA), raised questions about whether this activity is advertising. He said it might be helpful to discuss this issue at nationwide meetings indicating that, subject to the Department's further analysis and recommendation, if a VOW (Virtual

Office Website) complaint would come before the Board, it would be considered to be advertising. Rick Staff's interpretation of state law is that this is advertising although there are brokers who say he cannot speak for the regulators. Staff indicated that he would prefer to have the Department define this matter more specifically in policy at a future date but to take a soft stance on this issue at this time. Legal Counsel, William Black, agreed to review this issue and present the Board with a report at its next meeting.

MOTION: Nancy Gerrard moved, seconded by Rebecca J. Dysland, to adopt the position that virtual office websites (VOWs) appear to fit into the realm of advertising. If this issue came up at this time in a screening session, it would be screened and analyzed in terms of the applicable advertising rules and standards. Motion carried unanimously.

MISCELLANEOUS CORRESPONDENCE

There were no items to report.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT

The Division of Enforcement presented information in the matter concerning Horseshoe Bay Farms Realty Company, Inc. and Lisa J. Bieri (01 REB 311). This matter will be deliberated on in Closed Session.

CLOSED SESSION

MOTION: Richard Hinsman moved, seconded by Nancy Gerrard, to convene to closed session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; to consider licensure or discipline (s. 19.85(1) (b), Stats.; to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.; and, to confer with legal counsel (s. 19.85(1) (g), Stats. to consider case closings, monitoring reports, deliberation on cases proposed to be closed by administrative warning.. Motion carried by roll call vote. Rebecca J. Dysland-yes, Nancy Gerrard-yes, Richard Hinsman-yes, Richard A. Kollmansberger-yes, Maria E. Watts-yes.

Open session recessed at 10:50 a.m.

RECONVENE TO OPEN SESSION

MOTION: Nancy Gerrard moved, seconded by Rebecca Dysland, to reconvene into open session at 11:30 a.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

STIPULATIONS

HORSESHOE BAY FARMS REALTY COMPANY, INC. (EGG HARBOR)

MOTION: Richard Hinsman moved, seconded by Nancy Gerrard, to table the matter of Horseshoe Bay Farms Realty Company, Inc. and Lisa J. Bieri (01 REB 311). Motion carried unanimously.

DEBRA C. STYNCHULA (JANESVILLE)

MOTION: Rebecca Dysland moved, seconded by Nancy Gerrard, to accept the Findings of Fact, Conclusions of Law and Order in the disciplinary matter involving Debra C. Stynchula (01 REB 043). Motion carried unanimously.

CASE CLOSINGS

MOTION: Richard Hinsman moved, seconded by Rebecca Dysland, to close 02 REB 143 for no violation. Nancy Gerrard did not participate in the discussion or voting of this matter. Motion carried.

MOTION: Rebecca Dysland moved, seconded by Richard Hinsman, to close 02 REB 126 for insufficient evidence to meet the standard of proof that a violation occurred. Motion carried unanimously.

MOTION: Rebecca Dysland moved, seconded by Nancy Gerrard, to close 98 REB 075 for no violation. Motion carried unanimously.

MOTION: Richard Hinsman moved, seconded by Rebecca Dysland, to close 01 REB 105. A decision was made not to commence formal disciplinary action. Motion carried unanimously.

MOTION: Nancy Gerrard moved, seconded by Rebecca Dysland to close 02 REB 160 for no violation. Motion carried unanimously.

MONITORING REPORT

BARBARA MASCHE

MOTION: Richard Hinsman moved, seconded by Nancy Gerrard to grant full licensure to Barbara Masche. Motion carried unanimously.

ANNETTE L. REYNOLDS

MOTION: Rebecca Dysland moved, seconded by Nancy Gerrard, to grant full licensure without restrictions to Annette Reynolds. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

MOTION: Richard Hinsman moved, seconded by Rebecca Dysland, to issue an administrative warning in the matter concerning 01 REB 229. Motion carried unanimously.

ADJOURNMENT

MOTION: Nancy Gerrard moved, seconded by Rebecca Dysland, to adjourn the meeting at 11:45 a.m. Motion carried unanimously.